

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11534-MAP

NELSON R. ROUETTE AND
JAY NEARIS,

Plaintiffs and
Counterclaim Defendants

vs.

MACHINE & ELECTRICAL
CONSULTANTS, INC., FABIEN DUBE,
AND NORM CREPEAU,

Defendants and
Counterclaim Plaintiffs

MACHINE & ELECTRICAL
CONSULTANTS, INC.

Third-Party Plaintiff

vs.

QUALITY MACHINE SOLUTIONS,
INC.

Third-Party Defendant

**JAY NEARIS' MOTION FOR
DISMISSAL**

MARCH 22, 2006

NOW COMES the Plaintiff, Jay Nearis, and pursuant to Rule 41A(2) of the Federal Rules of Civil Procedure hereby requests that all claims and counterclaims with respect to him be dismissed.

As grounds therefor, Jay Nearis states as follows:

1. On January 25, 2006, Jay Nearis was granted a discharge under Section 727 of Title 11 of the United States Code (Case No. 05-21574, J. Feeney).
2. Based on the discharge, the Defendants' counterclaim has been discharged.

3. Jay Nearis no longer wishes to prosecute his claim against the Defendants.

WHEREFORE, the Plaintiff, Jay Nearis, respectfully requests that this Court grant a dismissal of all claims and counterclaims pertaining to Jay Nearis.

CERTIFICATE OF COUNSEL

I, Adam J. Basch, hereby certify that I have conferred with Defendants' counsel in an attempt to resolve or narrow the issue contained in this motion.

ADAM J. BASCH

Respectfully submitted,
The Plaintiffs,
Nelson Rouette, Jay Nearis and
Quality Machine Solutions, Inc.,
By their Attorney,

/s/Adam J. Basch
ADAM J. BASCH, ESQ.
BACON & WILSON, P.C.
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BBO# 655482
March 22, 2006

CERTIFICATE OF SERVICE

I, ADAM J. BASCH, hereby certify that on the 22nd day of March 2006, I caused a copy of the foregoing Jay Nearis' Motion for Dismissal to be served upon all interested parties by mailing a copy thereof, postage prepaid, first class mail to:

Keith R. Jacques
Smith Elliot Smith & Garmey, P.A.
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/s/Adam J. Basch
ADAM J. BASCH